

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X

THE NEW YORK CITY DISTRICT COUNCIL OF
CARPENTERS PENSION FUND, NEW YORK CITY
DISTRICT COUNCIL OF CARPENTERS WELFARE
FUND, NEW YORK CITY DISTRICT COUNCIL OF
CARPENTERS VACATION FUND, NEW YORK
CITY DISTRICT COUNCIL OF CARPENTERS
ANNUITY FUND, NEW YORK CITY DISTRICT
COUNCIL OF CARPENTERS APPRENTICESHIP,
JOURNEYMAN RESTRAINING, EDUCATIONAL
AND INDUSTRY FUND, NEW YORK CITY
DISTRICT COUNCIL OF CARPENTERS CHARITY
FUND, and THE NEW YORK CITY AND VICINITY
CARPENTERS LABOR-MANAGEMENT
CORPORATION, By MICHAEL J. FORDE and
PAUL O'BRIEN, as TRUSTEES, and MICHAEL J.
FORDE AS EXECUTIVE SECRETARY-TREASURER,
DISTRICT COUNCIL FOR NEW YORK CITY AND
VICINITY, UNITED BROTHERHOOD OF CARPENTERS
AND JOINERS OF AMERICA,

**NOTICE OF MOTION
TO VACATE
ARBITRATION AWARD**

File No. 08 CIV 3748

Assigned to
Judge Alvin K. Hellerstein

Plaintiffs,

-against-

THREE GUYS FLOOR COVERING WORKROOM, INC.,

Defendant.

----- X

SIR:

PLEASE TAKE NOTICE, that upon the annexed Memorandum of Law of
ROBERT N. COHEN, ESQ., one of defendant's attorneys, duly sworn to the 1st day of
May, 2008, the supporting Affidavits of SALVATORE PICCARILLO and ROBERT

GONZALEZ, both duly sworn to the 1st day of May, 2008, with exhibits annexed and upon all the pleadings and proceedings heretofore had herein, defendant, THREE GUYS FLOOR COVERING WORKROOM, INC., will move this Court before the Honorable Alvin Hellerstein, in Courtroom 14D of the Federal Courthouse located at 500 Pearl Street, New York, New York 10007, on the 23rd day of May, 2008, at 9:30 o'clock A.M. in the forenoon of that day or as soon thereafter as counsel can be heard for an Order vacating the Arbitration Award of Robert Herzog, Esq. in this matter, dated February 4, 2008, on the grounds that said Arbitrator manifestly disregarded the law and facts herein and that the Award does not draw its essence from the Collective Bargaining Agreement dated July 1, 2001, and if such award is vacated, dismissing plaintiff's Complaint.

PLEASE TAKE FURTHER NOTICE that answering affidavits, if any, are required to be served within four (4) business days of service of said Affidavit, pursuant to Local Rule §6.1.

Dated: Garden City, New York
April 30, 2008

WEINSTEIN, KAPLAN & COHEN, P.C.
Attorney for Defendant

By: 

ROBERT N. COHEN (RC8274)

1325 Franklin Avenue
Suite 210
Garden City, New York 11530
(516) 877-2525

TO: O'DWYER & BERNSTIEN, LLP
ATTENTION: ANDREW GRABOIS, ESQ. (AG3192)
Attorneys for Plaintiffs
52 Duane Street
New York, New York 10007
(212) 571-7100